

CANNING vs CREIGHTON UNIVERSITY

<p style="text-align: center;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEBRASKA</p> <p>3 MARY E. CANNING,) 4 Plaintiff,) Case No. 4:18 CV-03023 5 vs.) 6 CREIGHTON UNIVERSITY,) 7 Defendant.) DEPOSITION OF 8 VENKATA ANDUKURI, M.D. 9 10 11 <u>DEPOSITION OF VENKATA ANDUKURI, M.D.</u>, taken before 12 Tammy J. Hetherington, RPR, CSR, and General Notary Public 13 within and for the State of Nebraska, beginning at 3:24 p.m., 14 on Monday, the 17th of December, 2018, at 12910 Pierce 15 Street, Suite 200, Omaha, Nebraska, to be read in evidence on 16 behalf of the plaintiff, pursuant to the Federal Rules of 17 Civil Procedure and the within stipulations. 18 19 20 21 TAMMY J. HETHERINGTON, RPR, CSR 22 MTDS Reporters 23 7602 Pacific Street, Suite LL101 24 Omaha, Nebraska 68114 25 402-397-9669 www.mtdsreporters.com</p>	<p style="text-align: right;">3</p> <p>1 <u>I N D E X</u> 2 <u>Page</u> 3 4 DIRECT EXAMINATION BY MR. ZALEWSKI 4 5 6 <u>E X H I B I T S</u> 7 8 <u>No. Description Page</u> 9 10 1 1/19/17 HMS - End of Service Evaluation for 10 11 Interns 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: center;">2</p> <p>1 <u>A P P E A R A N C E S</u> 2 For the Plaintiff: Mr. James C. Zalewski 3 Attorney at Law 4 575 Fallbrook Boulevard 5 Suite 100 6 Lincoln, Nebraska 68521 7 jzalewski@ozwlaw.com 8 9 For the Defendant: Mr. David R. Buntain 10 Attorney at Law 11 12910 Pierce Street 12 Suite 200 13 Omaha, Nebraska 68144 14 dbuntain@clinewilliams.com 15 16 Also Present: Ms. Mary Canning 17 Mr. David Meiergerd 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 (Whereupon, the parties have stipulated to waive 2 Nebraska Rule 6-330, Sections 8(A) and (C), 3 and the following proceedings were had, to wit): 4 <u>VENKATA ANDUKURI, M.D.</u>, 5 having been first duly sworn, 6 was examined and testified as follows: 7 <u>DIRECT EXAMINATION</u> 8 BY MR. ZALEWSKI: 9 Q. Will you state your name and address for the record, 10 please. 11 A. My name is Venkata Andukuri, and my address -- do you 12 need my home address? 13 Q. You can do home or business, whatever. 14 A. Business is 7710 Mercy Road, Suite 300, Omaha, 15 Nebraska, 68124. 16 Q. Dr. Andukuri, my name is Jim Zalewski. I'm 17 representing Mary Beth Canning in a case she's filed in 18 Federal Court against Creighton University. I'm going 19 to ask you some questions about your knowledge of some 20 aspects of that case today. Have you ever had your 21 deposition taken before? 22 A. No. 23 Q. All right. I'm just going to give you some of the 24 ground rules, how it works, then you'll be familiar 25 with what we do. I'm going to ask you questions about</p>

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<p style="text-align: right;">5</p> <p>1 some aspects of the case, and everything we ask, and</p> <p>2 what your answers are, are going to be taken down in</p> <p>3 writing. You're under oath, so we're looking for your</p> <p>4 best testimony and recall that you have.</p> <p>03:25PM 5 If I ask a question, and you don't understand it,</p> <p>6 tell me, and I'll try to rephrase it. If you don't ask</p> <p>7 me to rephrase it, I'm going to assume you understood</p> <p>8 my question; is that all right?</p> <p>9 A. Uh-huh.</p> <p>03:25PM 10 Q. All right. The second thing is, we need to have you</p> <p>11 give an audible answer to my questions. So if you nod</p> <p>12 your head or shrug your shoulders, I know what you</p> <p>13 mean, but the court reporter needs a yes or a no, so</p> <p>14 please respond audibly.</p> <p>03:25PM 15 A. Sure.</p> <p>16 Q. Mr. Buntain is here to represent you and Creighton. If</p> <p>17 you need to take a break, for any reason, or to talk to</p> <p>18 him about something, you can do that off the record;</p> <p>19 however, I would ask that you answer the pending</p> <p>03:26PM 20 question before you take the break, all right?</p> <p>21 A. Okay.</p> <p>22 Q. Finally, are you under the influence of any kind of</p> <p>23 drugs or medication or anything that might, in any way,</p> <p>24 inhibit your ability to understand questions or give</p> <p>03:26PM 25 answers today?</p>	<p style="text-align: right;">7</p> <p>1 faculty?</p> <p>2 A. Actually, not. So I was a chief resident at the VA</p> <p>3 from 2009 to 2010, and then from 2010 to 2013, mid-'13,</p> <p>4 I believe I was in Columbus, Nebraska, as a</p> <p>03:27PM 5 hospitalist. Then I came to Immanuel Hospital in</p> <p>6 Omaha. I worked there until early 2016, so March of</p> <p>7 2016, and then I started working at Creighton since.</p> <p>8 Q. Since March of 2016?</p> <p>9 A. That is correct.</p> <p>03:27PM 10 Q. And in working at Creighton, do you supervise</p> <p>11 residents, also, when they're doing their training on</p> <p>12 rotations?</p> <p>13 A. That is correct. So my job as a core faculty member of</p> <p>14 the division, my job is to kind of supervise residents,</p> <p>03:28PM 15 and usually I round with the residents, yes.</p> <p>16 Q. Okay. This would be, what, then, your second or third</p> <p>17 year of having residents?</p> <p>18 A. My third year, yes.</p> <p>19 Q. How many do you usually have at a time in a rotation</p> <p>03:28PM 20 like that?</p> <p>21 A. How many?</p> <p>22 Q. How many residents do you teach in a given year, let's</p> <p>23 say?</p> <p>24 A. So last year was a little different because I round</p> <p>03:28PM 25 about 12 weeks a year. So my job is, you know, I do it</p>
<p style="text-align: right;">6</p> <p>1 A. No.</p> <p>2 Q. Great. Would you tell me a little bit about your</p> <p>3 educational background and your professional work?</p> <p>4 A. So I'm a hospitalist by training, and what that means</p> <p>03:26PM 5 is, you know, I do mostly inpatient internal medicine</p> <p>6 care. And I was trained in India, and then I came here</p> <p>7 and did my residency at Creighton, and I have a</p> <p>8 Master's in public health as well. So my current job</p> <p>9 description is, essentially, I'm a core faculty in the</p> <p>03:26PM 10 internal medicine department. I teach quality</p> <p>11 improvement and research, other than being on rounds on</p> <p>12 the floor with residents.</p> <p>13 Q. When would you have completed -- did you go to medical</p> <p>14 school in India?</p> <p>03:26PM 15 A. Yes.</p> <p>16 Q. When did you complete that?</p> <p>17 A. In 2000.</p> <p>18 Q. And then you came to Creighton for a residency right</p> <p>19 then?</p> <p>03:27PM 20 A. I came here, and I did a Master's in public health, and</p> <p>21 then I started my residency in 2006.</p> <p>22 Q. So 2006 to 2008, about that?</p> <p>23 A. '09.</p> <p>24 Q. '09, okay. Then, after 2009, you've been working for</p> <p>03:27PM 25 Creighton in the hospital, as a hospitalist, and as</p>	<p style="text-align: right;">8</p> <p>1 half-time, the other quality and research piece, half</p> <p>2 was rounding with the residents. So each time I round,</p> <p>3 say 12 weeks, each time I round, usually, I have one</p> <p>4 senior resident and two interns.</p> <p>03:28PM 5 Q. Was it that way in 2016?</p> <p>6 A. It was the same, yes.</p> <p>7 Q. Were you ever on the Clinical Competency Committee in</p> <p>8 2016?</p> <p>9 A. CCC, yes, I was. I started in July of 2016.</p> <p>03:29PM 10 Q. Did you attend the monthly meetings of the CCC?</p> <p>11 A. Yes.</p> <p>12 Q. Did you usually attend those?</p> <p>13 A. Most -- yeah, most of the times.</p> <p>14 Q. Do you recall working with Mary Beth Canning as a</p> <p>03:29PM 15 resident in December of 2016?</p> <p>16 A. Yes, I do.</p> <p>17 Q. What do you recall about that?</p> <p>18 A. Well, I guess it's in my evaluation, essentially. So,</p> <p>19 basically, I knew, because I was part of the CCC, I</p> <p>03:29PM 20 knew that, you know, she was under review -- or I</p> <p>21 cannot recall the status, but that's what she was then,</p> <p>22 I think. And so, you know, during my -- I went in,</p> <p>23 obviously, unbiased, which, you know, we don't</p> <p>24 typically do, so -- knowing that she's under review</p> <p>03:30PM 25 status and things like that.</p>

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<p style="text-align: center;">9</p> <p>1 So when I started off, you know, usually, we have</p> <p>2 a two-week period that we round. After the first week,</p> <p>3 I do give feedback to see where they are, usually,</p> <p>4 typically, for interns. In fact, typically, for</p> <p>03:30PM 5 everybody, for that matter. And then, again, we</p> <p>6 revisit in another week.</p> <p>7 So, I mean, what I recall is, you know, there was</p> <p>8 some knowledge gaps in her. She was also having</p> <p>9 difficulty with the workflow, in general, so that's</p> <p>03:30PM 10 what I kind of mentioned.</p> <p>11 Q. Let me ask you to go back to what you said about that</p> <p>12 first week meeting and feedback. Do you remember what</p> <p>13 kind of feedback you gave that first week?</p> <p>14 A. So that's what I wanted her to focus on is her workflow</p> <p>03:31PM 15 and make sure that she's attentive to what she's doing</p> <p>16 on a day-to-day basis, make sure she accomplishes what</p> <p>17 she started off with, and I also did mention that there</p> <p>18 was, you know, some need for, you know, knowledge.</p> <p>19 There was -- I observed that her knowledge was not</p> <p>03:31PM 20 enough to take care of patients at that point in time,</p> <p>21 to paraphrase it, if you will.</p> <p>22 Q. You mentioned an evaluation. I'm going to show this to</p> <p>23 you.</p> <p>24 (Exhibit No. 1 marked for identification.)</p> <p>03:31PM 25 Q. (BY MR. ZALEWSKI) Dr. Andukuri, the court reporter has</p>	<p style="text-align: center;">11</p> <p>1 Now, it looks like she worked on a rotation with</p> <p>2 you from December 6th to December 18th of 2016?</p> <p>3 A. Uh-huh, yes.</p> <p>4 Q. Do you know why this wasn't completed until January 19,</p> <p>03:34PM 5 2017?</p> <p>6 A. So, typically, you know, we have a time of about</p> <p>7 30 days to complete this stuff, so that's a typical</p> <p>8 time. I don't think it was any -- in fact, I don't</p> <p>9 think it was delayed, by any means.</p> <p>03:34PM 10 Q. I was going to say, did you put it aside, or did</p> <p>11 anybody tell you to not do it on time, or a certain</p> <p>12 time, or anything like that?</p> <p>13 A. That is a typical timeline, I would say. It varies</p> <p>14 sometimes. I mean, it depends on how busy I get, but</p> <p>03:35PM 15 then the feedback was, obviously, timely.</p> <p>16 Q. Now, when the CCC was meeting about Mary Beth Canning</p> <p>17 in December, even though this evaluation was not done,</p> <p>18 did you report to them any of your personal feedback at</p> <p>19 the CCC meetings?</p> <p>03:35PM 20 A. I don't recall that.</p> <p>21 Q. I just wondered if, being on the committee, somebody</p> <p>22 might have said, you've just recently had her, what</p> <p>23 were your observations? Do you recall anything like</p> <p>24 that?</p> <p>03:35PM 25 A. I don't, unfortunately, no.</p>
<p style="text-align: center;">10</p> <p>1 handed you what we've marked as Exhibit 1, and this</p> <p>2 appears to be the evaluation of Mary Beth Canning that</p> <p>3 you completed. First of all, if you want to look</p> <p>4 through, tell me when you're done, and I just have a</p> <p>03:32PM 5 couple of questions to ask you about that. So if you</p> <p>6 want to review everything, you can tell me when you're</p> <p>7 ready.</p> <p>8 A. (Witness reviewing Exhibit 1.) I'm ready.</p> <p>9 Q. Have you completed? First of all, are the marks you</p> <p>03:33PM 10 gave her on the evaluation accurate, to the best of</p> <p>11 your knowledge?</p> <p>12 A. At that point in time, yes.</p> <p>13 Q. The second thing I wanted to ask you about is on your</p> <p>14 written comments on that last page, the overall</p> <p>03:33PM 15 comment; do you see that?</p> <p>16 A. Uh-huh.</p> <p>17 Q. The last sentence talked about she has made progress</p> <p>18 compared to last year. You didn't teach her in any</p> <p>19 capacity that last year, did you?</p> <p>03:34PM 20 A. No.</p> <p>21 Q. Okay. Would you just look at somebody else's notes or</p> <p>22 evaluations?</p> <p>23 A. I didn't look at it, but then as part of CCC, you know,</p> <p>24 we do get that access, yes.</p> <p>03:34PM 25 Q. Okay. I just wondered what the comparison was.</p>	<p style="text-align: center;">12</p> <p>1 Q. When you worked with Mary Beth in December of 2016, she</p> <p>2 recalls there were some other members of the team,</p> <p>3 Dr. Jeff Macaraeg, who was a third-year resident</p> <p>4 supervisor; does that sound right?</p> <p>03:35PM 5 A. Yes, uh-huh.</p> <p>6 Q. Three medical students, and a co-intern was Dr. Arav</p> <p>7 Jhand, something like that?</p> <p>8 A. Uh-huh, Jhand.</p> <p>9 Q. Okay. Does that sound accurate to you?</p> <p>03:35PM 10 A. Yes, uh-huh.</p> <p>11 Q. Prior to starting this rotation with Mary Beth Canning,</p> <p>12 had you had discussion with any other faculty about</p> <p>13 her?</p> <p>14 A. No. No, I -- that's my answer, no.</p> <p>03:36PM 15 Q. I just wondered if it came up at the CCC meetings?</p> <p>16 A. So CCC is a protected meeting, so we usually don't</p> <p>17 discuss that anywhere outside, but I don't -- I didn't</p> <p>18 have any personal knowledge about her before that,</p> <p>19 before I worked with her.</p> <p>03:36PM 20 Q. When I talked about those other team members, did you</p> <p>21 complete those performance evaluations for them at</p> <p>22 about the same time as you did Exhibit 1?</p> <p>23 A. I don't recall that either, sorry.</p> <p>24 Q. I just wondered if you did them all in a stack, at the</p> <p>03:36PM 25 same time, or what?</p>

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<p>17</p> <p>1 <u>CORRECTION SHEET</u></p> <p>2 Upon reading the deposition and before</p> <p>3 subscribing thereto, the deponent,</p> <p>4 VENKATA ANDUKURI, M.D., indicated the</p> <p>5 following changes should be made.</p> <p>6 Page Line Change/Reason for change:</p> <p>7 Page Line Change/Reason for change:</p> <p>8 Page Line Change/Reason for change:</p> <p>9 Page Line Change/Reason for change:</p> <p>10 Page Line Change/Reason for change:</p> <p>11 Page Line Change/Reason for change:</p> <p>12 Page Line Change/Reason for change:</p> <p>13 Page Line Change/Reason for change:</p> <p>14 Page Line Change/Reason for change:</p> <p>15 Page Line Change/Reason for change:</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 VENKATA ANDUKURI, M.D.</p> <p>20</p> <p>21 Subscribed and sworn to before me this ____ day</p> <p>22 of _____, 2018.</p> <p>23 _____</p> <p>24 NOTARY PUBLIC</p> <p>25</p>	<p>19</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF NEBRASKA</p> <p>3 MARY E. CANNING,)</p> <p>4 Plaintiff,) Case No. 4:18 CV-03023</p> <p>5 vs.)</p> <p>6 CREIGHTON UNIVERSITY,)</p> <p>7 Defendant.) COST CERTIFICATE</p> <p>8</p> <p>9</p> <p>10 CERTIFICATE OF DEPOSITION OF VENKATA ANDUKURI, M.D.</p> <p>11</p> <p>12 Taken in behalf of</p> <p>13 the plaintiff.</p> <p>14 The Original Deposition is</p> <p>15 in the possession of:</p> <p>16 Mr. James C. Zalewski</p> <p>17 Attorney at Law</p> <p>18 575 Fallbrook Boulevard</p> <p>19 Suite 100</p> <p>20 Lincoln, Nebraska 68521</p> <p>21 Costs:</p> <p>22 _____</p> <p>23 Tammy J. Hetherington</p> <p>24 Notary Public</p> <p>25 Date: 12/26/18</p>
<p>18</p> <p>1 <u>CERTIFICATE</u></p> <p>2 STATE OF NEBRASKA)</p> <p>3) ss.</p> <p>4 COUNTY OF DOUGLAS)</p> <p>5 I, TAMMY J. HETHERINGTON, RPR, CSR, and General Notary</p> <p>6 Public in and for the State of Nebraska, do hereby certify</p> <p>7 that VENKATA ANDUKURI, M.D., was by me duly sworn to</p> <p>8 testify to the truth, the whole truth, and nothing but the</p> <p>9 truth; and that the deposition as above set forth was</p> <p>10 reduced to writing by me and is a true and accurate</p> <p>11 transcription of the testimony given by said witness;</p> <p>12 That the within and foregoing deposition was reported</p> <p>13 by me at the time and place herein specified and in</p> <p>14 accordance with the within stipulations, the reading and</p> <p>15 signing of the witness to the deposition having not been</p> <p>16 waived;</p> <p>17 That I am not counsel, attorney or relative of any of</p> <p>18 the parties or otherwise interested in the event of this</p> <p>19 suit.</p> <p>20 IN TESTIMONY WHEREOF, I have placed my hand and</p> <p>21 Notarial Seal this 26th day of December, 2018.</p> <p>22 _____</p> <p>23 General Notary Public</p> <p>24</p> <p>25</p>	<p>20</p> <p>1 DATE: 12/26/18</p> <p>2 TO: VENKATA ANDUKURI, M.D.</p> <p>3 RE: CANNING vs CREIGHTON UNIVERSITY</p> <p>4</p> <p>5 Enclosed please find a transcribed copy of your</p> <p>6 deposition. THIS IS A VALUABLE DOCUMENT, so please</p> <p>7 take a few minutes at this time to do the following:</p> <p>8</p> <p>9 1. Read your deposition thoroughly. Photocopying or</p> <p>10 other reproduction of this document without the</p> <p>11 expressed consent of MTDS Reporters is strictly</p> <p>12 prohibited.</p> <p>13</p> <p>14 2. Make corrections only on the page entitled:</p> <p>15 CORRECTION SHEET.</p> <p>16</p> <p>17 3. Sign on the line indicated on the page entitled</p> <p>18 CORRECTION SHEET and have that page notarized.</p> <p>19</p> <p>20 4. Please return ONLY the Correction Sheet page within</p> <p>21 30 days back to me.</p> <p>22</p> <p>23 5. Failure to read, sign, and return the Correction</p> <p>24 Sheet page within said time will be deemed as a waiver</p> <p>25 of signature.</p> <p>Sincerely,</p> <p>Tammy J. Hetherington, RPR</p> <p>Enclosures</p> <p>Tammy J. Hetherington, RPR, CSR</p> <p>MTDS Reporters</p> <p>7602 Pacific Street, Suite LL101</p> <p>Omaha, Nebraska 68114</p> <p>(402)397-9669</p>